



*Alison Minea  
Director & Senior Counsel, Regulatory Affairs  
Alison.Minea@dish.com  
(202) 463-3709*

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**BY HAND DELIVERY**

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Federal Communications Commission  
Office of the Secretary

**Re: Sun Broadcasting, Inc. Complaint Against OpticalTel Telecommunications, Inc.  
Concerning Retransmission of WXCW(TV), Naples, FL, MB Docket No. 14-258  
(dated Dec. 2, 2014)**

**\*\*\*REQUEST FOR CONFIDENTIAL TREATMENT\*\*\***

Dear Ms. Dortch:

DISH Network L.L.C. ("DISH") hereby submits the attached confidential version of the enclosed response to the Commission's letter of inquiry in the above-referenced proceeding ("DISH LOI Response"). DISH respectfully requests that this DISH LOI Response and all of its attachments be afforded confidential treatment and not be placed in the Commission's public files pursuant to Sections 0.457 and 0.459 of the Commission's rules.<sup>1</sup>

The information designated as confidential is not otherwise publicly available and is the type of information that is subject to protection under the Commission's rules and the Freedom of Information Act.<sup>2</sup> The DISH LOI Response and all of its attachments contain details about competitively sensitive business arrangements between DISH and certain commercial partners that, among other things, bulk distribute programming provided by DISH or which authorize DISH to carry programming. Most businesses do not publicly reveal contracts that specify the prices, terms and conditions under which they either sell or obtain services. Thus, almost all of the specific terms in such an agreement would be the type of commercial information that "would not customarily be released to the public" and should be treated as confidential. That material qualifies as "commercial or financial information" that "would customarily be guarded from competitors" regardless of whether or not such materials are protected from disclosure by a privilege. See 47 C.F.R. § 0.457(d).

In support of this request and pursuant to 47 C.F.R. § 0.459(b), DISH hereby states as follows:

<sup>1</sup> 47 C.F.R. §§ 0.457, 0.459.

<sup>2</sup> *Id.*; 5 U.S.C. § 552.

1. The DISH LOI Response is being submitted in response to the Commission's letter dated November 16, 2015 regarding the Sun Broadcasting, Inc. complaint filed against OpticalTel Telecommunications, Inc. dated Dec. 2, 2014.
2. The DISH LOI Response and attachments include, among other things, copies of both executed and template contracts, and reveal the prices, terms, and conditions under which third parties obtain services from DISH or which authorize DISH to carry programming.
3. As a direct broadcast satellite ("DBS") provider, DISH operates in a highly competitive market, both in the residential subscriber market and the commercial bulk distributor market. The DISH LOI Response and attachments include details about the prices, terms and conditions under which DISH provides programming and other services to commercial partners.
4. Disclosure of the DISH LOI Response and any of its attachments could result in substantial competitive harm. If the DISH LOI Response and attachments were to be made public, DISH's competitors could use the information learned therein about DISH's business strategy and use it to take DISH's customers, among other things. Moreover, DISH is obligated under some of the contracts to protect the confidentiality of the contract and its contents.
5. DISH takes significant measures to ensure that confidential commercial information of the type described herein is not disclosed to the public.
6. The confidential material for which non-disclosure is sought is not available to the public.
7. DISH requests that the DISH LOI Response and all of its attachments be withheld from disclosure for an indefinite period. Disclosure of this information at any time could jeopardize the competitive position of DISH.

DISH requests that the Commission return this submission if its request for confidentiality is denied.<sup>3</sup>

Please contact me with any questions.

Respectfully submitted,



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Alison Minea  
Director & Senior Counsel,  
Regulatory Affairs  
DISH Network L.L.C.

Enclosure

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<sup>3</sup> See 47 C.F.R. § 0.459(e).